

COUNTY OF YORK

MEMORANDUM

DATE: July 6, 2005 (BOS Mtg. 7/19/05)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP 669-05, City of Williamsburg and Heritage Humane Society

ISSUE

This application requests a minor modification of a Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize an extension of the expiration date for a use permit authorizing the expansion of an existing animal shelter on a 3.02-acre site located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4.

BACKGROUND

On August 19, 2003, the Board approved an application for a Special Use Permit to expand the Heritage Humane Society animal shelter on Waller Mill Road by constructing a 14,000-square foot building to replace the existing 2,720-square foot Main Building, which will be demolished. Pursuant to Section 24.1-115(c)(1) of the Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established. A use is considered to be established if all necessary foundation work has been completed and construction work is continuously and diligently pursued under a valid building permit. The attached letter from the applicant indicates that funding issues, including difficulties surrounding the coordination of contributions from the participating localities, have delayed the project such that construction will not commence within two years of the date of use permit approval. Consequently, the Heritage Humane Society has requested a two-year extension of the use permit expiration date.

Section 24.1-115(d)(2) of the Zoning Ordinance states that the Board may approve minor modifications to the conditions of an approved and currently valid special use without a public hearing provided that the following four criteria are met:

- There will be less than a 25% increase in either total lot coverage or floor area;
- There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
- Nothing in the currently valid special use permit precludes or limits such expansion or enlargement;
- The proposal is consistent with the Zoning Ordinance and the Comprehensive Plan.

This request meets these criteria and is therefore being processed as a minor amendment. Such amendments do not require prior review by the Planning Commission.

CONSIDERATIONS/CONCLUSIONS

The existing animal shelter is located on a 1.12-acre parcel on Waller Mill Road that the Heritage Humane Society leases from the City of Williamsburg. Located on watershed property surrounding the Waller Mill Reservoir, the property is designated for Conservation in the *Comprehensive Plan* and is zoned RR (Rural Residential). The Humane Society has entered into an agreement with the city to expand the facility and enlarge its lease area from 1.12 to 3.02 acres. This would involve a boundary line adjustment, effectively eliminating the existing parcel and creating a new larger parcel in its place.

The animal shelter currently consists of two buildings totaling 5,792 square feet in area. The Main Building, where the animals are housed, is a 2,720-square foot structure with 20 indoor/outdoor kennels/runs and 8 outdoor runs, two rooms for cat cages, and various ancillary facilities. The two-story Spayth Building, located to the west of the Main Building, is a 3,072-square foot structure that includes an animal intake/isolation area as well as administrative and storage space. The Heritage Humane Society plans to demolish the Main Building and replace it with a one-story 14,000-square foot building approximately 25-30' to the east. The Spayth Building will remain. All animals will remain indoors except for any animals that may be held pending the outcome of a court case. Such animals must be confined in a secure facility separate from the other animals; for this purpose the Humane Society plans to construct an outdoor "court hold area," which will basically be a roofed courtyard with walls measuring 3 to 4 feet in height to prevent escape, to the rear of the new shelter. Based on past experience, instances where this facility will be needed will be extremely rare.

In spite of delays caused by funding problems, the project is moving forward. The Humane Society is in the process of having plans prepared and contacting building contractors and, pending approval of the two-year extension, hopes to break ground later this year.

RECOMMENDATION

If this time extension is denied, the applicant will be required to apply for a new use permit, including public hearings and Planning Commission review, in order to construct the new, larger animal shelter. Since the factors contributing to the approval of the original use permit application (sparsely developed area, compatibility with surroundings, elimination of outdoor pens, expansion of the parking lot, and the preservation of existing landscaping) have not changed, I do not believe this will accomplish anything other than place an unnecessary burden on the applicant. The request for an extension appears reasonable, and I recommend that it be approved. This may be accomplished through the adoption of proposed Resolution No. R05-129.

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Attachments

- Vicinity Map
- Sketch plan of approved expansion
- Letter from Lynne Christianson, Executive Director, Heritage Humane Society, dated April 11, 2005
- Approved Resolution No. R03-129
- Proposed Resolution No. R05-129